IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7659 of 2007()

CRIME 1225/07 OF KOLLAM EAST POLICE STATION

PETITIONER/ACCUSED

LEO PETER, AGED 33, S/O.PETER,
THEVARIZHIKATH MUKKU, PRAKULAM,
KANJAVELLI P.O., KOLLAM.

BY ADV. SRI.A.AHZAR

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
EAST POLICE STATION,
KOLLAM.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7659 OF 2007

Dated this the 12th day of December, 2007

O R D E R

Application for anticipatory bail. Petitioner is the 1st accused. He faces allegations under Section 498A IPC. Crime has been registered on the basis of a complaint made to the police. The marriage took place on 11.11.2006. The spouses are blessed with one child. They are already before the police and court now. Matrimonial cruelty of the culpable variety has been alleged against the petitioner by the de facto complainant.

2. The learned counsel for the petitioner submits that there is strain in the matrimonial relationship and that is prompting the de facto complainant to make reckless, exaggerated and fanciful allegations against the petitioner. The petitioner may be granted anticipatory bail to save him from the trauma of undeserved arrest and detention, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the application. I am satisfied, in the facts and circumstances of this

case that the petitioner can be granted anticipatory bail. In coming to this conclusion I take note of the fact that arrest and detention of the petitioner is likely to mar all possibilities of harmonious reconciliation of the matrimonial tie. I do further take note of the submission of the learned Public Prosecutor that the alleged victim has suffered no external injuries also.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 19.12.2007. He shall be released on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 21.12.2007 and 22.12.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of

two months. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 19.12.2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 19.12.2007.

(R.BASANT, JUDGE)

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